

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ellen Plotkin on 10-1-08.

The application has been amended as follows: in claim 7, last line after "dry" – and wherein said thickening agent has a particle size between 0.2 mm and 15 mm – has been inserted.

REMARKS

The basis for this amendment is found on page 8, line 18 of Applicants' specification.

On updating the search, the examiner found the patent US 2,118,391, which was already cited in applicants' European search report. In amending the claims, the specification had basis for a powder, but no method of powdering the composition for the product by process limitations, so that the claim would have been incomplete as to how the powdered product was made. Therefore, the particle size of the composition has been added to claim 7 in order to define over the reference, which has "flakes" which are dried, made by the claimed method (page 1, col. 2, lines 5-55, page 2, col. 1, lines 1-5). Claim 7 states, "the fruits or vegetables are comminuted at one or more of steps i)-iii ", (line 7), which gives the method of making the particles and basis for the

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inserted particle size. The only reference to the size of the flakes, which are said to be the size of cereal flakes, is found in page 1, col. 1, lines 30-35.

Any inquiry concerning this communication should be directed to Helen F. Pratt at telephone number 571-272-1404.

/Helen F. Pratt/
Primary Examiner, Art Unit 1794

10-1-08